

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 8/23/2010

Case Number 2:10-cr-24

Case Style: USA vs. Augusto T. Abad

Type of hearing Sentencing

Before the honorable: 2508-Copenhaver

Court Reporter Barbara Steinke

Courtroom Deputy Kelley Miller

Attorney(s) for the Plaintiff or Government Monica K. Schwartz

Attorney(s) for the Defendant(s) Jane C. Moran/W. Thomas Ward

Law Clerk

Probation Officer Ruth E. Loftis

### Trial Time

Contested Sentencing Hearing.

### Non-Trial Time

### Court Time

1:39 pm to 2:50 pm

3:17 pm to 4:13 pm

Total Court Time: 2 Hours 7 Minutes Court actively conducting trial proceedings/Contested proceedings

### Courtroom Notes

1:30 case set

1:39 - case called - defendant sworn - defense counsel over PSR with defendant thoroughly and he understands - defendant read PSR, went over with attorney, he/she explained, understands everything

Objections - role in the offense, abuse of position of trust, Paragraph 55

Report is factually accurate otherwise - defense counsel, defendant

Def. #1 Janet Lawson

Def. #2 Dr. Ashok Patniak

Def. #3 Neveed Ahmed

2:50 Recess

3:17 Resume

Court informed defendant of possibility of deportation due to his plea of guilty - defendant affirms guilty plea

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Court made findings - leadership role and abuse of position of trust enhancements appropriately applied as to each count

Parties agree TOL 16 + I = 21-27 months  
\$110,959 restitution

Mitigation - defense counsel, government, defendant

Court stated reasons for sentence including 3553(a) factors and reasons for variance

Sentence - 12 months and 1 day - \$110,959 restitution paid out of lot to be sold by the defendant and from funds obtained if he sells his medical practice - 3 years supervised release - recommend facility close to Charleston

Self-report on 10/8/10

14 days to appeal

4:13 concluded